

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE**

**Call to Order:** By **CHAIRMAN JOHN WITT**, on February 10, 1999 at  
8:07 A.M., in Room 201 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. John Witt, Chairman (R)  
Sen. Tom Keating, Vice Chairman (R)  
Sen. William Crismore (R)  
Rep. Dick Haines (R)  
Sen. Linda Nelson (D)  
Rep. Joe Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Summer Alger, Committee Secretary  
Roger Lloyd, Legislative Branch  
Doug Schmitz, OBPP

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 2 - Dept. of Environmental Quality Budget  
Executive Action: HB 2 - Dept. of Environmental Quality Budget

**Roger Lloyd** handed out a packet on the Differences from the  
Executive Budget as of 2/10/99, and the committee proceeded to  
discuss it.

**EXHIBIT** (jnh33a01)

#### **HEARING ON HB 2 - DEQ BUDGET - CWENTRAL MANAGEMENT PROGRAM**

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**Sen. Keating** questioned the Dept. of Environmental Quality (DEQ) on federal match money, and referred to pages **C-55** and **C-56** of the Legislative Budget Analysis 2001 Biennium: Agency Budgets, Vol. 1, January 1999, LFD. **Mr. Lloyd** commented on the LFD Issues, and **Sen. Keating** asked him why, if it is a proprietary funded division, they are using general fund. The Senator then commented on the use of state special funds. **Sen. Crismore** asked if they use general fund, would they bypass CI-75, but if the increase was out of the proposed increased rate, then would CI-75 come into play.

*\*The Legislative Budget Analysis (LBA) 2001 budget book will not be referred to as a exhibit, however, budget information from other sources will be noted as exhibits.*

**Present Law Adjustments:**

**DP 1**

**Sen. Keating** moved that this decision package approved as proprietary rather than as general fund. **Sen. Nelson** inquired as to how long the Board of Environmental Review has been acting without full membership, and how often it meets. **Sen. Keating** withdrew his motion of DP 1 funded by proprietary, then **Rep. Haines** inquired about the legal costs.

**EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - CENTRAL MANAGEMENT PROGRAM**

*{Tape : 1; Side : A; Approx. Time Counter : 27}*

**Motion/Vote:** **SEN. KEATING** moved that DP 1 BE ADOPTED. SECONDED by **REP. TROPILA**. Motion carried unanimously.

**New Proposals:**

**DP 2**

**Mr. Lloyd** commented on the LFD Issues concerning this decision package, and referred to Table 6 on page **C-54** of the LBA 2001 budget book.

**Sen. Keating** asked why the \$250,000 could not be spread throughout the division, where each one applies, instead of lumping it. He then asked if they have been doing the computer database conversions, and if what they were doing is necessarily MTPPRIME driven. **Chairman Witt** inquired as to what agency is being charged now for MTPPRIME.

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**Doug Schmitz** commented on the decision package dealing with database conversions. **Sen. Keating** asked to bypass DP2 for the time being until the committee gets a feel for how it all fits together.

In response to an earlier inquiry from **Chairman Witt**, **Mr. Lloyd** explained that \$302,945 is the biennial total for MTPPRIME debt service and fixed costs. The Chairman then asked about a schedule of fixed costs, including MTPPRIME.

**Mr. Lloyd** discussed the LFD Issues on page **C-59** of the LBA 2001 budget book, and **Sen. Keating** remarked that the committee should do the other divisions first, then come back.

**HEARING ON HB 2 - DEQ BUDGET - PLANNING, PREVENTION & ASSISTANCE**  
**DIVISION**

**Art Compton**, Administrator, Plan. Prevent. & Assist. Division, gave a brief division overview. **Rep. Tropila** inquired if there is still a radon management program.

**Wade Sikorski** testified on behalf of the DEQ because of the incinerator clean-up.

**Mr. Lloyd** addressed the LFD Issues on page **C-61** of the LBA 2001 budget book. He subsequently discussed Table 9 and the LFD Issues on the bottom of page **C-65** and those on page **C-66**. He strongly cautioned against over-appropriation, and **Rep. Haines** questioned how it got to that state of affairs. **Mr. Compton** commented on the over-appropriation of federal wetlands money, as did **Ann Danzer**, who remarked that it is in the negative due to an accounting assumption error. **Chairman Witt** inquired if it was picked up in an audit, which it was, and **Mr. Lloyd** asked when accounting will make the change.

**Present Law Adjustments:**

**DP 1**

**Mr. Lloyd** discussed the LFD Issues on pages **C-62** and **C-63** of the LBA 2001 budget book, along with this decision package. **Mr. Compton** commented on the issues and the request also.

**Chairman Witt** inquired about the 2.5 FTE's, whether they are new and what they do. **Lou Moore**, Bureau Chief, replied that yes they are new, and that they will be delineating and assessing drinking water supplies, along with writing grants.

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**Sen. Nelson** commented, while **Sen. Keating** asked if this decision package is funded all by federal funds, and how many more FTE's they have. **Sen. Keating** then asked what would happen if the federal funding stopped. **Mr. Compton** replied that if there is no money, then there is no program, so there will be no people.

**Sen. Keating** then inquired if the division gets involved assistance-wise with the big water projects in northeastern Montana. **Mr. Moore** answered that they do not get involved directly unless asked, then **Director Simonich** added that the permitting division people have been involved. **Sen. Keating** commented, as did **Sen. Nelson**, who remarked that the department has not provided any funding towards regional systems. **Tom Livers, Bureau Chief, Technical & Finance Bureau**, replied that the Senator is correct and commented additionally.

**EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION**

*{Tape : 2; Side : A; Approx. Time Counter : 14.5}*

**Motion/Vote:** **SEN. NELSON** moved that DP 1 BE ADOPTED. **SECONDED** by **SEN. KEATING**. Motion carried unanimously.

**DP 2**

**Sen. Keating** asked if this is the same stuff that FW&P does for water testing and biological purposes. **Bob Raisch, Bureau Chief, Resource & Protection Bureau**, replied no, the DEQ sets standards.

**Sen. Keating** then inquired about any empty slots the division may have, along with any vacancies. He also asked if this job is absolutely imperative to this division, and if it is EPA driven.

**EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION**

*{Tape : 2; Side : A; Approx. Time Counter : 24}*

**Motion/Vote:** **SEN. KEATING** moved that DP 2 BE ADOPTED. **SECONDED** by **SEN. CRISMORE**. Motion carried 5-1 with Nelson voting no.

**DP 3**

**Mr. Lloyd** discussed the LFD Comment for this decision package, and **Sen. Keating** asked how much federal money is in this program.

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**Rep. Haines** inquired as to how many of the nine FTE's were not hired, and **Mr. Compton** replied that they were all on board by the end of the last fiscal year.

**Sen. Crismore** questioned where they are at in the program: what has been accomplished, and what do they expect for the future. **Gary Ingman, Bureau Chief, Monitoring & Data Management Bureau**, responded, as did **Mr. Raisch**. **Mr. Compton** commented that they have a ten year program to identify water bodies and get them cleaned up.

**Rep. Tropila** inquired about additional spending authority in HB 4 mentioned on pages **PPAD 23** and **24** of the DEQ overview packet (Exhibit 3, 2/9/99).

**Chairman Witt** inquired if they are doing a total maximum daily load (TMDL) program on the Teton River, and **Mr. Raisch** replied yes, there is one in progress.

**Chairman Witt** inquired about 319 monies, referring to the Clean Water Act, and asked why they cannot be substituted for general fund.

**EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION**

*{Tape : 2; Side : B; Approx. Time Counter : 15}*

**Motion/Vote:** **SEN. CRISMORE** moved that **DP 3 BE ADOPTED. SECONDED** by **SEN. NELSON. Motion carried unanimously.**

\*Sen. Keating was not present.

**Chairman Witt** passed out to the committee members a copy of the draft committee bill on the Venture Star project, and then proceeded into discussion.

**DP 4**

**EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION**

*{Tape : 2; Side : B; Approx. Time Counter : 21.3}*

**Motion/Vote:** **SEN. CRISMORE** moved that **DP 4 BE ADOPTED. SECONDED** by **SEN. NELSON. Motion carried unanimously.**

\*Sen. Keating was not present.

DP 6

**Mr. Compton** commented that this issue was addressed in SB 21, which passed 49-0. **Sen. Nelson** and **Sen. Crismore** moved and seconded this decision package, then **Doug Schmitz** remarked that it is contingent upon the passage of SB 21. **Mr. Lloyd** commented that it may be better to wait on executive action, and **Sen. Crismore** said that it passed second reading in the House 95-3. **Mr. Schmitz** commented that he does not believe any executive action is necessary, so the Senators withdrew their motion and second for this decision package. **Mr. Lloyd** then remarked that they can wait until HB 2 goes into conference committee, then make an amendment if needed.

DP 7

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 2; Side : B; Approx. Time Counter : 25.6}*

**Motion/Vote:** **SEN. NELSON** moved that DP 7 BE ADOPTED. **SECONDED** by **SEN. CRISMORE**. Motion carried unanimously.

\*Sen. Keating was not present.

DP 8

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 2; Side : B; Approx. Time Counter : 26.3}*

**Motion/Vote:** **REP. TROPILA** moved that DP 8 BE ADOPTED. **SECONDED** by **SEN. NELSON**. Motion carried unanimously.

\*Sen. Keating was not present.

DP 9

**Mr. Lloyd** addressed the LFD Issue.

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 2; Side : B; Approx. Time Counter : 27.8}*

**Motion/Vote:** **REP. TROPILA** moved that DP 9 BE ADOPTED. **SECONDED** by **SEN. NELSON**. Motion carried unanimously.

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\*Sen. Keating was not present.

DP 10

**Dave Thorsen** commented on this decision package, and **Mr. Chisholm** said that it may be best not to act on it yet, because it is in the same predicament as the Central Management Program with indirect cost, until make global motion.

DP 11

**Mr. Lloyd** commented that this decision package may trigger a CI-75 issue. **Sen. Keating** inquired about the vehicles: replacement or new.

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 3; Side : A; Approx. Time Counter : 5.5}*

**Motion/Vote:** SEN. CRISMORE moved that DP 11 BE ADOPTED. SECONDED by REP. TROPILA. Motion carried unanimously.

DP 12

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 3; Side : A; Approx. Time Counter : 6.5}*

**Motion/Vote:** SEN. KEATING moved that DP 12 BE ADOPTED. SECONDED by SEN. NELSON. Motion carried unanimously.

DP 13

**Sen. Keating** questioned the funding blend of this decision package.

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 3; Side : A; Approx. Time Counter : 8.4}*

**Motion/Vote:** SEN. NELSON moved that DP 13 BE ADOPTED. SECONDED by SEN. CRISMORE. Motion carried 5-1 with Witt voting no.

New Proposals:

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DP 1

**Mr. Lloyd** commented and **Chairman Witt** questioned the FTE's. **Sen. Keating** commented on the 2.5ppm air quality level, and **Chairman Witt** inquired about the discussion on this issue last session. **Mr. Raisch** commented on the emission level issue. **Sen. Keating** commented that it will be exponentially difficult to reach the 2.5ppm level. He also asked the division how many monitors they can buy for \$50,000, then addressed federal requirements. **Mr. Compton** replied that there are eight sites that need monitoring. The Senator remarked that it may be worth our while to know where we are at with particulates.

**Rep. Haines** asked what would happen if this was not funded, and **Mr. Ingman** replied that they are required by the EPA to monitor, so it would risk a new monitoring program.

**Chairman Witt** asked where the federal dollars are generated.

EXECUTIVE ACTION ON HB 2 - DEQ BUDGET - PLANING, PREVENTION &  
ASSISTANCE DIVISION

*{Tape : 3; Side : A; Approx. Time Counter : 26.6}*

**Motion/Vote:** SEN. KEATING moved that DP 1 BE ADOPTED AS ONE-TIME-ONLY AND RESTRICTED. SECONDED by SEN. CRISMORE. Motion carried 5-1 with Witt voting no.

**Chairman Witt** asked the committee members if they approved of the draft copy of the Venture Star committee bill. There was discussion amongst the members, and **Rep. Tropila** moved a 1:3 (local:state) funding split instead of 1:1. **Rep. Haines** seconded the motion, then **Sen. Keating** remarked that he would go for a 2:1 split. The Senator and **Rep. Tropila** discussed a bit more, with the Senator commenting to just leave it equal. **Sen. Nelson** commented, as did **Sen. Crismore**, who asked if, with CI-75, they could raise money. **Chairman Witt** and **Sen. Nelson** conversed about matched funding (from any source). **Rep. Tropila** withdrew his motion.



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**ADJOURNMENT**

Adjournment: 10:55 A.M.

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REP. JOHN WITT, Chairman

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SUMMER ALGER, Secretary

JW/SA

**EXHIBIT** (jnh33aad)